

# Paid Sick Leave Law

## *Impacts of Initiative 1433*



Initiative 1433, which was approved by Washington voters in fall 2016, contains four primary changes to state law:

- **Requires employers to provide paid sick leave** to most employees beginning Jan. 1, 2018.
- **Increases the minimum wage** through 2020.
- **Ensures tips and service charges** are paid to the appropriate staff.
- **Protects employees from retaliation** when exercising their rights under the Minimum Wage Act.

### Paid sick leave requirements

As of Jan. 1, 2018, employers in Washington must provide nearly all of their employees with paid sick leave.

Sign up for updates on the new requirements, training for employers and more: [https://public.govdelivery.com/accounts/WADLI/subscriber/new?topic\\_id=WADLI\\_36](https://public.govdelivery.com/accounts/WADLI/subscriber/new?topic_id=WADLI_36)

### Accrual

- Under the law, employees must accrue paid sick leave at a minimum rate of one hour for every 40 hours worked. This includes part-time and seasonal workers.
- Paid sick leave must be paid to employees at their normal hourly compensation.
- Employees are entitled to use accrued paid sick leave beginning on the 90th calendar day after the start of their employment.

- Unused paid sick leave of 40 hours or less must be carried over to the following year.
- Employers are allowed to provide employees with more generous carry over and accrual policies.

### Usage

Employees may use paid sick leave:

- To care for their health needs or the health needs of their family members.
- When the employees' workplace or their child's school or place of care has been closed by a public official for any health-related reason.
- For absences that qualify for leave under the state's Domestic Violence Leave Act.

Employers may allow employees to use paid sick leave for additional purposes.

### Employee eligibility

Employers must provide paid sick leave to nearly all their employees. There are a few exceptions, including employees who are doctors, lawyers or dentists. The paid sick leave law also excludes most executive managers who are paid a salary and supervise at least two full-time employees. For more information, go to: [www.Lni.wa.gov/workers-rights/\\_docs/esa1.pdf](http://www.Lni.wa.gov/workers-rights/_docs/esa1.pdf).

### Online resources

Employers and employees can learn more about paid sick leave and other changes mandated by Initiative 1433 at [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave).

## New required L&I workplace poster

Each November, employers receive an updated *Your Rights as a Worker* poster in the mail. The poster includes information about the new paid sick leave requirements, minimum wage and protections for employees against retaliation. Employers must post it in a visible, accessible place at their worksite. The poster is available online in Cambodian, Chinese Simplified, Chinese Traditional, English/Spanish, Korean, Russian, Somali and Vietnamese. Go to [www.Lni.wa.gov/RequiredPosters](http://www.Lni.wa.gov/RequiredPosters).

## Minimum wage

- The minimum wage is \$12.00 per hour in 2019.
- The minimum wage applies to all jobs, including agriculture.
- Employers must pay employees age 16 and older at least \$12.00 per hour in 2019.

Employers are allowed to pay 85% of the minimum wage to employees under age 16. For 2019, this rate is \$10.20 per hour.

**Please note:** Seattle, Tacoma, and the City of SeaTac currently have higher minimum wage rates. The local rate applies if it is higher than the state minimum wage rate.

The initiative does not change overtime pay requirements.

- The initiative sets future minimum wage rates.
- The minimum wage will increase to \$13.50 in 2020.
- Starting Jan. 1, 2021, minimum wage increases will be calculated by L&I using a formula tied to the rate of inflation (based on the Consumer Price Index for Urban Wage Earners and Clerical Workers - CPI-W: [www.bls.gov/data](http://www.bls.gov/data)).

## Tips and service charges

The initiative states that an employer must pay to its employees:

- All tips and gratuities; and
- All service charges as defined under RCW 49.46.160, except those that are itemized as not being payable to the employee(s) servicing the customer.

As a reminder, tips and service charges paid to an employee may not offset the state minimum wage requirement.

## Retaliation protections

The new law protects employees from retaliation for exercising their rights under the Minimum Wage Act. This includes filing a complaint for wages owed, lawfully using paid sick leave or exercising protected rights.

## Questions?

For more information, go to [www.Lni.wa.gov/SickLeave](http://www.Lni.wa.gov/SickLeave), or contact the Employment Standards Program at L&I by phone (1-866-219-7321) or email ([esgeneral@Lni.wa.gov](mailto:esgeneral@Lni.wa.gov)).

## More worker rights coming in 2019–20

Starting in 2020, Washington will be the fifth state in the nation to offer paid family and medical leave benefits to workers. The program will be funded by premiums paid by both employees and many employers, and will be administered by the Employment Security Department (ESD).

This insurance program will allow workers to take necessary time off when they welcome a new child into their family, are struck by a serious illness or injury, or need to take care of an ill or ailing relative. As directed by the Legislature, premium payments begin on Jan. 1, 2019 and benefits can be taken starting Jan. 1, 2020. For more information, go to [www.esd.wa.gov/newsroom/paid-family-medical-leave](http://www.esd.wa.gov/newsroom/paid-family-medical-leave).